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Remarks

Claims 1-27 are pending in the above-identified application. Claim 10 is amended, claims 1-9 are cancelled, and claims 11-27 are original.

The Examiner allowed claims 19-27.

The Examiner rejected claims 1-18 under 35 U. S.C. 102(e) as being anticipated by Jennings et al. (U.S. Patent Number 6,597,774).

MPEP §2129 states: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628,631,2 USPQ2d 1051,1053 (Fed. Cir.1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226,1236,9 USPQ2d 1913,1920 (Fed. Cir.1989). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. In re Bond, 910 F.2d 831,15 USPQ2d 1566 (Fed. Cir.1990).

Jennings et al. provides an alert to a user after a predetermined amount of time has elapsed for a particular communication. The timing for the alert may be set by the user at the beginning of each call, or may be automatically configured during the initiation of a call or communication. Control of the alert and the respective timing preferably occurs at a local call control center, such as a central office switch in the public telephone system, or a mobile switching center in a wireless system. For voice communications, the alert is preferably audible.

Alternatively, for data communications, the alert is configured to effect an audible, visual, or otherwise perceptible alert on the user's interface.

Regarding claim 1 the Examiner alleged as follows: "Jennings et al. discloses essentially all the claimed invention as set forth in the instant application, further Jennings et al. discloses a system and method for providing an alert during communication. In addition Jennings et al. discloses a method for automatically notifying, by a telecommunications network, a subscriber that the subscriber has talked on a mobile terminal for a subscriber-defined amount of time (which reads on column 1, lines 41-46), the method comprising the steps of defining an interval for at least one category of usage of a mobile terminal that is operatively connected to a telecommunication network; storing, at the telecommunication network (which reads on column 3, lines 46-57), the defined interval for the at least one category of usage of the mobile terminal; monitoring, by the telecommunication network, a time that a call has been active on the mobile terminal (which reads on column 1, lines 56-67), comparing the time that the call has been active to the stored at least one interval, and sending a predetermined notification signal from the telecommunication system to the mobile terminal when the time that the call has been active exceeds the stored interval (which reads on column 1, lines 56-67)."

Regarding claim 10, the Examiner stated as follows (Applicant assumes the Examiner's reference to "Schiffer" was an error and that the Examiner meant "Jennings"): "Schiffer discloses everything claimed, as applied above (see claim 1) additionally, Schiffer discloses a method for automatically notifying, by a telecommunications network, a subscriber that the subscriber has talked on a mobile terminal for a subscriber-defined amount of time, the method comprising the steps of defining a plurality of categories of usage of a mobile terminal; defining a respective

interval for each category of the plurality of categories of usage of the mobile terminal that is operatively connected to a telecommunication network (which reads on column 1, lines 41-47); storing, at the telecommunication network, the defined intervals and the respectively associated categories of usage; determining for the call a current applicable category of the plurality of categories for the mobile terminal (which reads on column 3 lines 46-57); monitoring, by the telecommunication network, a time that a call has been active on the mobile terminal; comparing the time the call has been active to the stored interval that is associated with the current applicable category; and sending a predetermined notification signal from the telecommunication system to the mobile terminal when the time that the call has been active exceeds the stored interval that is associated with the current applicable category (which reads on column I lines 56-67)."

Independent claim 1 has been cancelled and therefore the rejection of this claim need not be discussed.

Independent claim 10 has been amended to more clearly define the present invention. In particular, it is now claimed that the method has, in part, the steps of: defining, via a mobile terminal at a first predetermined time, a plurality of categories of usage of the mobile terminal; defining, via the mobile terminal at the first predetermined time, a respective interval for each category of the plurality of categories of usage of the mobile terminal that is operatively connected to a telecommunication network; storing, at the telecommunication network at the first predetermined time, the defined intervals and the respectively associated categories of usage; and determining for a call at a second time that is later than the first predetermined time, a current applicable category of the plurality of categories for the mobile terminal.

In the present invention as claimed, the subscriber pre-defines pluralities of intervals and categories, and then at a later date when a call occurs, the stored intervals and categories are checked for determining when the tones should be sent to the mobile terminal. Jennings, however, teaches that the subscriber must input information when the call occurs. Thus, Jennings does not teach the plurality of pre-defined intervals and categories as is claimed in independent claim 10. Jennings does not teach each of the elements of independent claim 10 as is required by 35 U. S.C. 102(e).

Therefore, with the amendment of independent claim 10, the rejection of claims 10-18 under 35 U. S.C. 102(e) as being anticipated by Jennings et al. has been overcome.

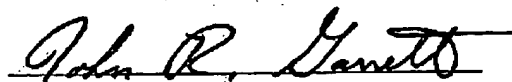
The dependent claims 11-18 include all the limitations of the independent claim 10. It has been shown that independent claim 10, as amended, is not anticipated by the cited prior art. Therefore, these dependent claims are also allowable over the cited art.

Reconsideration and withdrawal of the rejections is therefore respectfully requested. In view of the above remarks, allowance of all claims pending is respectfully requested.

The prior art made of record and not relied upon is considered to be of general interest only. This application is believed to be in condition for allowance, and such action at an early date is earnestly solicited. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicant's attorney.

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Respectfully submitted,



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